

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

3:08-cv-483-RJC

JOSEPH BRIAN TARLETON,)
 Petitioner,)
)
v.)
)
RICKY ANDERSON, Administrator,)
Nash Correctional Institution,)
 Respondent.)

ORDER

THIS MATTER is before the Court on Petitioner's Motion for Certificate of Appealability (Doc. No. 38). In its previous Order granting summary judgment to Respondent, filed on January 19, 2012, this Court already declined to issue a certificate of appealability. (Doc. No. 35). In his current Motion for a Certificate of Appealability, Petitioner argues that the Court should change its determination that a certificate of appealability should not be allowed.¹ Petitioner's current motion for a certificate of appealability is therefore denied.

Signed: March 5, 2012



Robert J. Conrad, Jr.
Chief United States District Judge



¹ The caption to Petitioner's motion designates the petitioning court as the Fourth Circuit Court of Appeals, but Petitioner filed his motion in this Court. If Petitioner intended to seek a certificate of appealability from the Fourth Circuit, he must file his motion with that court.